

1 THE HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JUSTIN BAKER,

10 Plaintiff,

CASE NO. C24-0300-JCC

11 v.
12 AVENUE5 RESIDENTAL, *et al.*,
13 Defendants.

ORDER

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15 This matter comes before the Court on Plaintiff's motion to appoint counsel (Dkt. No. 9.)

16 Having duly considered the briefing and the relevant record, the Court hereby DENIES the

17 motion for the reasons described below.

18 Plaintiff contends that he requires counsel to pursue housing discrimination claims. (*See*
19 *generally* Dkt. No. 9.) The appointment of counsel for a *pro se* litigant in a civil case “is a
20 privilege and not a right.” *United States ex rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir.
21 1965). While a court may do so for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1),¹
22 this is limited to “exceptional circumstances.” *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir.

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24 ¹ 28 U.S.C. § 1915 does not actually authorize the Court to force a lawyer to take a case. Nor
25 does the Court have staff attorneys standing by to represent *pro se* litigants. Instead, the Court
may only “request” that an attorney represent an indigent litigant. 28 U.S.C. § 1915(e); *see also*
Mallard v. U.S. Dist. Ct. for S. Dist. of Iowa, 490 U.S. 296, 307 (1989) (holding that § 1915(e)
authorizes “courts to ask but not compel lawyers to represent indigent litigants.”)

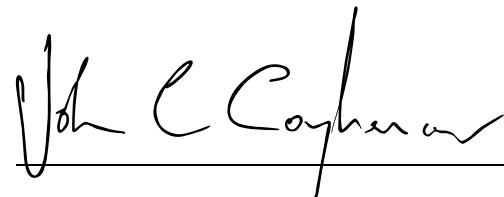
1 1984). When determining whether such circumstances arise, the Court considers “the likelihood
2 of success on the merits and the ability of the petitioner to articulate his claims *pro se* in light of
3 the complexity of the legal issues involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th
4 Cir. 1986).

5 Plaintiff’s case history demonstrates an ability to sufficiently articulate his claims. *See*,
6 *e.g.*, *Baker v. Avenue5 Residential*, Case No. C23-1207-RSL (W.D. Wash.); *Baker v. Thrive*
7 *Communities*, Case No. C22-872-LK (W.D. Wash.). Moreover, Plaintiff’s instant claims appear
8 no more likely to succeed on the merits than his prior ones. (*See generally* Dkt. No. 7.) As such,
9 Plaintiff has not established exceptional circumstances warranting the appointment of counsel.

10 Accordingly, Plaintiff’s motion to appoint counsel (Dkt. No. 9) is DENIED.

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12 DATED this 27th day of March 2024.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE